In the High Court of Judicature at Madras

Dated:19.04.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM

and

The Hon'ble Mr. Justice J.A.K. SAMPATHKUMAR

Habeas Corpus Petition No.364 of 2006

and H.C.M.P.No.36 of 2006

Girija .. Petitioner

vs.

1. The State of Tamil Nadu
   rep. by the Secretary to Government
   Department of Home
   Fort St. George
   Chennai 600 009.

2. The Inspector General of Police
   Chennai 600 008.

3. The Superintendent of
   Central Prison
   Cuddalore. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus as stated therein.

WEB COPY

For petitioner : Mr. K. Balakrishnan

For respondents : Mr. V. Arul
Govt., Advocate (Crl.)

https://hcservices.ecourts.gov.in/hcservices/

ORDER

(Order of the Court was made by P. SATHASIVAM,J.,)

The petitioner by name Girija has filed this petition, seeking direction to the third respondent to produce the detenus, viz., (i) Alex Ravi @ Ravi Alex; (ii) Senguttuvan; and (iii) Bathar Selvam before this Court and set them at liberty.

2. Pursuant to the direction of this Court, third respondent, Superintendent of Central Prison, Cuddalore, has filed a counter affidavit, wherein it is stated that the above mentioned three detenus were admitted in Central Prison, Cuddalore as remand prisoners on 01.07.2005, 18.11.2005 and 15.12.2005 respectively and thereafter, all of them were detained under Tamil Nadu Act 14/82 and confined in Central Prison, Cuddalore. In para 3 of the counter it is stated that, on 01.04.2006, at about 11.30 a.m. a search was conducted by the Block Warders to find out contraband articles, if any, at Annexure building of Central Prison, Cuddalore, where those three detenus are kept. During the search, one Cell Phone with a Charger was found and seized at Block 2 in Annex of remand prisoners area. At about 16.30 hours on the same day, two block Warders attempted to continue their work, however, the above detenus prevented the Warders from doing so. They also threatened the Warders that they will burn them. This resulted in mutual clash between the Warders and the detnus. One of the Warders tried to blow his whistle in order to seek help from other Prison staff. But one of the detenus plucked the whistle from the Warder and blew the same. On hearing the whistle sound the Superintendent (i/c) and the Jailor rushed to the spot and separated the Warder and the detenus from quarreling, with the help of other Warders by using minimum force as permitted in Tamil Nadu Prison Rules, 1983.

3. The two Warders and detenus got injuries during the quarrel. The Jailor was also attacked during the incident. The situation was brought under control within five minutes with the help of other Warders. The Jailor, injured Warders and the detenus were immediately sent to Prison Hospital and given First-aid treatment by the Prison Doctors. Then, further treatment was given to them by the Prison Doctor. During the clash, the Prisoner by name Senguttuvan got minor injury on his right hand and Alex Ravi, one of the detenu, sustained swelling in his right hand finger. The three detenus were immediately admitted to the Prison Hospital and necessary treatment was given to them. Of the two Doctors working in the Prison Hospital, one of them is an Ortho Surgeon and on his advice necessary treatment was given in the Prison Hospital for the detenus. However, they were sent to Government Hospital, Cuddalore on 10.04.2006 for further opinion of the Government Doctor on their health condition and they were returned back to the prison on the same day.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

4. In para 7 of the counter it is stated that the incident of assault on prison staff by the above said detenus has been referred to Judicial Magistrate No.2, Cuddalore as per Rule No.300 & 301 of Tamil Nadu Prison Rules, 1983 vide letter dated 01.04.2006 of the third respondent. In para 8 it is stated that all the detenus mentioned in the writ petition are safe in Central Prison, Cuddalore and they were treated in the Prison Hospital for the injuries sustained during the clash. Learned Government Advocate has also produced a certificate issued by the Medical Officer, Central Prison, Cuddalore, to that effect.

On going through the information furnished in the counter affidavit and the Certificate of the Prison Doctor as well as taking note of the fact that the Superintendent of Central Prison, Cuddaore has made a complaint to the Judicial Magistrate No.II, Cuddalore under Rule 300 & 301 of Tamil Nadu Prison Rules, 1983, we are of the view that no further adjudication is required in this petition; accordingly, the same is closed. Consequently, connected HCMP., is also closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

Kh

To

1. The Judicial Magistrate No.II,
Cuddalore.

2. Do Thro The Chief Judicial Magistrate,
Cuddalore.

3. The Secretary to Government
Department of Home
Fort St. George
Chennai 600 009.

4. The Inspector General of Police
Chennai 600 008.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

5. The Superintendent of
   Central Prison
   Cuddalore.

6. The Director General of Police
   Chennai 4.

7. The Superintendent
   Central Prison, Cuddalore.

8. The Public Prosecutor
   High Court, Madras.

H.C.P.No.364 of 2006

HPR (CO)
kk 26/4

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/